

APPLICANT(S): GLUKHOVSKY, Arkady  
SERIAL NO.: 10/808,574  
FILED: March 25, 2004  
Page 5

#### REMARKS

Applicant respectfully requests reconsideration of the above-identified application in view on the foregoing amendments and following remarks.

Applicant confirms the provisional election cited by the Examiner on page 2 of the Office Action and elects with traverse to prosecute elected Claims 1-20 of Group I, drawn to an in-vivo device. Applicant reserves all rights in non-elected Claims 21-34 to file divisional and/or continuation patent applications.

#### Status of Claims

Claims 21-34 have been withdrawn. Accordingly, Claims 1-20 are now pending in this case.

#### 35 U.S.C. § 102 Rejections

In the paragraphs bridging pages 3 and 4 of the Office Action, the Examiner has rejected Claims 1,2,4,9,11,12,14, and 19 under 35 U.S.C §102 as being anticipated by Shan et al. (U.S. Patent No. 5,984,860). It is respectfully submitted that the invention as recited in the claims is not anticipated by Shan et al. and consequently the rejection should be withdrawn.

Applicant's invention is generally directed to an in-vivo device comprising a substantially spherical housing. The Examiner has identified element 10 in the Shan reference as being a substantially spherical housing. The attention of the Examiner is respectfully directed to the figures which show element 10 as being cylindrical, not substantially spherical as claimed.

Thus, the Shan reference, individually or collectively with any other reference does not teach or describe Applicant's invention. For the foregoing reasons, Applicant's invention is patentable over the references of record and the rejection under 35 U.S.C. § 102 should be withdrawn. Such action is respectfully requested.

In the paragraphs bridging pages 4 and 5 of the Office Action, the Examiner has rejected Claims 1,2,5,6,11,14,15, and 16 under 35 U.S.C §102 as being anticipated by Madni et al. (U.S. Patent No. 6,007,482). It is respectfully submitted that the invention as recited in

APPLICANT(S): GLUKHOVSKY, Arkady  
SERIAL NO.: 10/808,574  
FILED: March 25, 2004  
Page 6

the claims is not anticipated by Madni et al. and consequently the rejection should be withdrawn.

The Examiner has identified element 10 in the Madni reference as being a substantially spherical housing. The attention of the Examiner is respectfully directed to the figures which show element 10 as being cylindrical, not substantially spherical as claimed.

Thus, the Madni reference, individually or collectively with any other reference does not teach or describe Applicant's invention. For the foregoing reasons, Applicant's invention is patentable over the references of record and the rejection under 35 U.S.C. § 102 should be withdrawn. Such action is respectfully requested.

In the paragraphs bridging pages 5 and 6 of the Office Action, the Examiner has rejected Claims 1,2,3, and 11-14 under 35 U.S.C §102 as being anticipated by Kim et al. (U.S. Patent No. 6,719,684). It is respectfully submitted that the invention as recited in the claims is not anticipated by Kim et al. and consequently the rejection should be withdrawn.

The Examiner has identified element 20 in the Kim reference as being a substantially spherical housing. The attention of the Examiner is respectfully directed to the figures which show element 20 as being cylindrical, not substantially spherical as claimed.

Thus, the Kim reference, individually or collectively with any other reference does not teach or describe Applicant's invention. For the foregoing reasons, Applicant's invention is patentable over the references of record and the rejection under 35 U.S.C. § 102 should be withdrawn. Such action is respectfully requested.

In the paragraphs bridging pages 6 and 7 of the Office Action, the Examiner has rejected Claims 1,9,10,11,14,19, and 20 under 35 U.S.C §102 as being anticipated by Kovacs et al. (U.S. Patent No. 5,833,603). It is respectfully submitted that the invention as recited in the claims is not anticipated by Kovacs et al. and consequently the rejection should be withdrawn.

The Examiner has identified element 44 in the Kovacs reference as being a substantially spherical housing. The attention of the Examiner is respectfully directed to the figures which show element 44 as being cylindrical, not substantially spherical as claimed.

Thus, the Kovacs reference, individually or collectively with any other reference does not teach or describe Applicant's invention. For the foregoing reasons, Applicant's invention

APPLICANT(S): GLUKHOVSKY, Arkady  
SERIAL NO.: 10/808,574  
FILED: March 25, 2004  
Page 7

is patentable over the references of record and the rejection under 35 U.S.C. § 102 should be withdrawn. Such action is respectfully requested.

In the paragraphs bridging pages 7 and 8 of the Office Action, the Examiner has rejected Claims 1,5-8,11, and 14-16 under 35 U.S.C §102 as being anticipated by Snow (U.S. Publication No. 2002/0198440). It is respectfully submitted that the invention as recited in the claims is not anticipated by Snow and consequently the rejection should be withdrawn.

The Examiner has identified element 10 in the Snow reference as being a substantially spherical housing. The attention of the Examiner is respectfully directed to the figures which show element 10 as being cylindrical, not substantially spherical as claimed.

Thus, the Snow reference, individually or collectively with any other reference does not teach or describe Applicant's invention. For the foregoing reasons, Applicant's invention is patentable over the references of record and the rejection under 35 U.S.C. § 102 should be withdrawn. Such action is respectfully requested.

For the foregoing reasons, Applicant's invention is patentable over the cited art alone or in combination.

APPLICANT(S): GLUKHOVSKY, Arkady  
SERIAL NO.: 10/808,574  
FILED: March 25, 2004  
Page 8


### CONCLUSION

In view of the foregoing, Applicant submits that Claims 1-20 clearly distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue of the present application is therefore respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Please charge or credit any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

  
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Dated: April 24, 2006

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